



House of Commons
Committee on
Standards and Privileges

**Conduct of
Mr John Spellar**

Third Report of Session 2003–04

*Report and Appendix,
together with formal minutes*

*Ordered by The House of Commons
to be printed 10 February 2004*

HC 339

Published on 11 February 2004
by authority of the House of Commons
London: The Stationery Office Limited
£0.00

Committee on Standards and Privileges

The Committee on Standards and Privileges is appointed by the House of Commons to oversee the work of the Parliamentary Commissioner for Standards; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in the Code of Conduct which have been drawn to the Committee's attention by the Commissioner; and to recommend any modifications to the Code of Conduct as may from time to time appear to be necessary.

Current membership

Rt Hon Sir George Young Bt MP (*Conservative, North West Hampshire*) (Chairman)
Ross Cranston QC MP (*Labour, Dudley North*)
Mr Andrew Dismore MP (*Labour, Hendon*)
Rt Hon Derek Foster MP (*Labour, Bishop Auckland*)
Mr Michael Jabez Foster MP (*Labour, Hastings and Rye*)
Mr David Heath CBE MP (*Liberal Democrat, Somerton and Frome*)
Rt Hon Andrew Mackay MP (*Conservative, Bracknell*)
Mr Kevin McNamara MP (*Labour, Hull North*)
Richard Ottaway MP (*Conservative, Croydon South*)
Mr Stephen Pound MP (*Labour, Ealing North*)
Mr Simon Thomas MP (*Plaid Cymru, Ceredigion*)

Powers

The constitution and powers of the Committee are set out in Standing Order No. 149. In particular, the Committee has power to order the attendance of any Member of Parliament before the committee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of the Commissioner, be laid before the Committee. The Committee has power to refuse to allow its public proceedings to be broadcast. The Law Officers, if they are Members of Parliament, may attend and take part in the Committee's proceedings, but may not vote.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at: www.parliament.uk/parliamentary_committees/standards_and_privileges.cfm. A list of Reports of the Committee in the present Parliament is at the back of this volume.

Committee staff

The current staff of the Committee are Dr Christopher Ward (Clerk), Ms Charlotte Littleboy (Second Clerk) and Lisa Hasell (Secretary).

Contacts

All correspondence should be addressed to The Clerk of the Committee on Standards and Privileges, Journal Office, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 6615.

Contents

Report	<i>Page</i>
Conduct of Mr John Spellar	3
Appendix: Memorandum by the Parliamentary Commissioner for Standards	5
Formal minutes	16
Reports from the Committee on Standards and Privileges in the current Parliament	17

Conduct of Mr John Spellar

1. We have considered a memorandum by the Parliamentary Commissioner for Standards relating to the complaint against Mr John Spellar, Member for Warley, by Mr Paul Birkett, Secretary of the Birmingham South 0803 Branch of the Amicus-AEEU union. The Commissioner's memorandum is appended to this Report.
2. The complaint centres on the terms on which Mr Spellar occupied office facilities in union premises, and his alleged failure to declare these properly in the Register of Members' Interests. Mr Spellar had the benefit of the use of this accommodation from June 1992 to October 2002.
3. From June 1992 to June 1997, when Mr Spellar became a Minister, he was employed by the union as a Political Officer, and recorded this fact in the Register of Members' Interests. We agree with the Commissioner that, during this period, there was no need for him to register separately the benefit he derived from his use of the office for parliamentary purposes.
4. When Mr Spellar relinquished his post as Political Officer, he was allowed by the union to retain use of the office facilities. Although the union was prepared to allow him use of these free of charge, Mr Spellar told the Commissioner that he did not wish to keep them on a basis that would imply any subsidy. He therefore paid the union £500 per annum from his Office Cost Allowance, to cover any incidental costs. This arrangement continued until April 2002, when the union started to charge him what it considered to be a commercial rent for the office.
5. On 16 February 2001, the provisions of Schedule 7 of the Political Parties, Elections and Referendums Act 2000 (PPERA) entered into force. This imposed a reporting requirement on Members of Parliament, who are "regulated donees" for the purposes of this Act, in relation to "controlled donations".¹ Where such donations are received in kind, PERPA provides that they are to be valued at the difference between the monetary value of their provision on commercial terms and the monetary value of the consideration (if any) provided by the donee. The provision of Mr Spellar's office in the union's premises thus fell to be treated as a controlled donation.
6. Mr Spellar did not treat the provision of this office as a donation for the purposes of PERPA, and this subsequently became apparent to the Electoral Commission. Following its decision in February 2003 that the provision of this accommodation constituted a recordable donation, an entry was included in the Commission's register covering the period up to the end of March 2002. In the light of the Commission's decision, Mr Spellar sought to make an appropriate entry in the Register of Members' Interests to cover the period from June 1997. This was made on 30 April 2003.

¹ Donations made to Members for their use or benefit in connection with any of their political activities are "controlled donations" for the purposes of PERPA. Single donations, or multiple controlled donations from the same donor in the same calendar year, which exceed £1,000, must be reported to the Electoral Commission as "recordable donations" within a specified period. The Commission is required to maintain a register of these, which is open to public inspection.

7. The Commissioner has upheld that part of Mr Birkett's complaint relating to Mr Spellar's failure to declare, in the Register of Members' Interests, the net benefit, from June 1997 to April 2002, of the office accommodation provided by the union. We agree that he should have registered this in June 1997. However, we note that, once he realised that he needed to do so, he moved promptly to include an appropriate entry in the Register of Members' Interests (and acknowledge that he had indeed done so several months before Mr Birkett lodged his complaint). He has also apologised for his oversight. In all the circumstances, including the fact that Mr Spellar appears to have received no personal benefit, we do not consider that any further action is necessary.

8. We also take this opportunity to remind Members that the folders of guidance entitled 'Standards in the Commons', issued recently by the Parliamentary Commissioner for Standards, incorporate comprehensive guidance on both the requirements of the House regarding registration and declaration of interests, and on their obligations under PPERA in relation to the provisions relating to the regulation of political donations. In cases where these involve the provision of property, services or facilities on other than commercial terms, Members may be well advised to consult the Registrar of Members' Interests, if the interest is not already registered, if there is a reasonable expectation that the Electoral Commission will take the view that this constitutes a recordable donation for the purposes of PPERA.

Appendix: Memorandum by the Parliamentary Commissioner for Standards

Contents

	<i>Page</i>
Complaint against Mr John Spellar	6
The Complaint	6
Relevant Provisions of the Code and Guide	6
My Inquiries	7
Findings of Fact	9
Conclusion	10
Appendices to the Appendix	12
Appendix 1: Letter to the Commissioner from Mr Paul Birkett	12
Appendix 2: Letter to the Commissioner from Mr Paul Birkett	12
Appendix 3: Letter to Mr John Spellar from the Commissioner	12
Appendix 4: Letter to the Commissioner from Mr John Spellar	13
Appendix 5: Letter to the Commissioner from Mr John Spellar	13
Appendix 6: Letter to the Commissioner from Mr Les Bayliss	14
Appendix 7: Letter to the Commissioner from Mr Les Bayliss	15
Appendix 8: Letter to the Commissioner from Mr Les Bayliss	15

Complaint against Mr John Spellar

The Complaint

1. On 9 September 2003 Mr Paul Birkett, Secretary of the Birmingham South 0803 Branch of the Amicus–AEEU union, wrote alleging that the Rt Hon John Spellar (the Member for Warley) had received a material benefit from his union between 1992 and 2003, which he had not included in the Register of Members’ Interests. The benefit had been registered in April 2003, but the entry made only referred to it having been received since 1997. Mr Birkett said that the benefit received had a value of about £50,000 and urged me to investigate. A copy of his letter is at Appendix 1.

2. In a letter dated 17 October (copy at Appendix 2), Mr Birkett confirmed that the benefit in question was the provision of office facilities at his union’s then headquarters at Hayes Court, Bromley, Kent. These, he claimed, had been provided at a peppercorn rent. Mr Birkett also said that Mr Spellar had also been provided with a part–time secretary and access to computer, telephone and postage facilities, and that the commercial value of the office had been estimated at about £5,000 per year.

Relevant Provisions of the Code and Guide

3. The Code of Conduct approved by the House provides that Members shall “fulfill conscientiously the requirements of the House in respect of the registration of interests in the Register of Members’ Interests and shall always draw attention to any relevant interest in any proceeding of the House or its Committees, or in any communications with Ministers, Government Departments or Executive Agencies”. The accompanying Guide to the Rules relating to the Conduct of Members defines the purpose of the Register as being “to provide information of any pecuniary interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament” (HC 841, Session 2001–2002 paragraph 9).

4. The detailed Rules on the registration and declaration of interests currently in force (which were approved by the House in May 2002) require a Member to register under category 4 (Sponsorships) any form of financial or material support he or she receives as a Member amounting to more than £1,000 from a single source. Paragraph 27 of the Guide to the Rules says:

“The types of support which should be registered under this category include the services of a research assistant or secretary whose salary, in whole or in part, is met by an outside organisation or individual; the provision of free or subsidised accommodation for the Member’s use, other than accommodation provided by a local authority to a Member for the sole purpose of holding constituency surgeries or accommodation provided solely by the constituency party; and financial contributions towards such services or accommodation.”

The threshold of £1,000 for registration of a benefit was set by the House at that level to be consistent with the threshold set by the Electoral Commission for registration of political donations under the Political Parties, Elections and Referendums Act 2000 (PPERA).

5. The provisions in force prior to May 2002 were somewhat different in detail but, in their application to this case, broadly similar. Thus paragraph 23 of the Guide to the Rules approved by the House on 24 July 1996 (HC 688, Session 1995–96) said:

“The provision of the services of a research assistant or secretary whose salary, in whole or in part, is met by an external organisation, and the provision of free or subsidised accommodation for the Member’s use, other than accommodation provided solely by the constituency party, should be registered, as appropriate, either in this section or under category 5 “Gifts, benefits and hospitality”; except that accommodation provided by a local authority at no cost, or at a subsidised cost, to a Member for the sole purpose of holding constituency surgeries is exempt from registration.”

The threshold for the registration of donations then in force was £500.

My Inquiries

6. On receiving Mr Birkett’s complaint, I wrote to Mr Spellar to seek his account of the matter (Appendix 3). I was already aware of the entry relating to the office provided to him by Amicus–AEEU which Mr Spellar had made in the Register in April 2003 because, in the absence of the Registrar, Mr Spellar had corresponded with me about making the entry. The entry in question read:

Sponsorship or financial or material support

From the general election 1997 to October 2002 I was provided with an office at the headquarters of Amicus AEEU for which I paid a less than commercial rent.
(Registered 30 April 2003)

7. Mr Spellar telephoned me and subsequently replied in writing on 6 October (Appendix 4) saying that prior to 1997 he had registered the fact that he was employed as Political Officer of the Electrical, Electronic, Telecommunication and Plumbing Union (EETPU, subsequently part of the AEEU). As he had occupied the office in Bromley in consequence of that role, he regarded that Register entry as subsuming any need to make a separate entry relating specifically to the benefit of the office, at least until the point at which he had been appointed as a Minister in June 1997.

8. In subsequent correspondence (see Mr Spellar’s letter of 21 January 2004 at Appendix 5), Mr Spellar has said that although the union at the time would have been happy for him to continue using the office at Bromley without rent after he became a Minister, he himself did not think this would be appropriate. Accordingly he instituted in 1997 an arrangement under which he paid the union, from his Parliamentary Office Costs Allowance (OCA), a rent of £500 per annum. This was intended to cover any expense incurred by the union in providing office facilities but not to be a commercial rent, as the union would not in practice ever have rented out the office commercially.

9. Mr Spellar moved to register the benefit of the office following a decision by the Electoral Commission that even though he only used the office for a small part of the week, he should under PPERA have registered as a donation an amount equal to the difference between a market rent for the premises and the discounted rent he had paid the union. Following inquiries of the union, the Commission had written to Mr Spellar in February 2003 conveying this decision and assessing the value of the donation over the relevant period at £1,892.50. Mr Spellar subsequently telephoned my office to report the Electoral Commission's view and to raise the question of what entry he should make in the Register of Members' Interests. The entry made on 30 April 2003 was the result of this. He informed me at that point that between April 2002 and October 2002 when he vacated the office, he had paid the union a commercial rent of £200 per month.¹

10. In his letter of 17 October, Mr Birkett suggested that Mr Spellar was provided by the union with the services of a part-time secretary as well as access to computer, telephone, and postage facilities. Mr Spellar says that, in fact, he himself has paid for the part-time services of a secretary since he first occupied the office (see letter at Appendix 5). The secretary had been employed by him for parliamentary purposes (including the handling of constituency correspondence) and paid for out of the Office Costs Allowance (OCA: latterly, the Staffing Allowance). It is, of course, this parliamentary function which would justify the payment since 1997 of rent from the OCA. Some of the facilities in the office were also provided out of the OCA.

11. Mr Spellar suggests that confusion about who was employing his secretary may have arisen because, in early 1999, she also began to work part-time for the Research Department of the union, a job which she has now ceased. He is clear that:

“At no time did the Union subsidise her income to my benefit, or even the benefit of the Fees Office.”

12. I have contacted the union to check their understanding of the arrangement in relation to Mr Spellar. The Assistant General Secretary, Mr Bayliss, has confirmed that:

- a) Between 1992 and 1997, Mr Spellar was employed as a political officer of the union under its normal terms and conditions. He began to receive the benefit of union accommodation in June 1992;
- b) Mr Bayliss has not been able to find any specific agreement relating to the provision of accommodation to Mr Spellar but Mr Spellar “was a close associate of the union and would therefore be expected to assist the union's political objectives as and when required;”
- c) Mr Spellar “would not have been able to maintain the office without the specific agreement of the then General Secretary, Sir Ken Jackson;”

¹ Although the information in Appendix 6 is unclear on this point, Mr Spellar's claim that he paid a commercial rent from April to October 2002 is confirmed by House's Department of Finance and Administration.

d) Mr Spellar's secretary was employed by the union on a part-time basis and the other part of her time was paid for by Mr Spellar. Copies of relevant letters exchanged with Mr Bayliss are at Appendices 6 and 7.

13. In his letter of 16 December 2003 (Appendix 8), Mr Bayliss says in relation to Mr Spellar's claim that the union would not in practice have rented out the office commercially to anyone else:

"I confirm that in theory it could have been common practice in Hayes Court to rent out office space.

I would not have thought it would be practicable but as far as I am aware John Spellar was the only person given the option."

I deduce from this that the union would not in practice have been likely to have rented out the accommodation to anyone else, although in theory it could have done so.

14. As regards the extent of the notional financial benefit Mr Spellar received from having the office, the information given by Mr Bayliss in his letter of 6 November 2003 (Appendix 6) suggests that up to June 1997, the rental value of the accommodation totalled £8,400. According to Mr Bayliss's figures, the net benefit to Mr Spellar from June 1997 to June 2002 (that is the rental value of the accommodation minus the £500 annual rent he paid) was:

June 1997 to June 1998—£1,300

June 1998 to June 2001—£4,800

June 2001 to June 2002—£1,900

To this should be added the unquantified value of the use of some of the equipment and facilities (not, however, including a part-time secretary), which went with the office. These figures are significantly less than the sum estimated by Mr Birkett, although more than the threshold figure for registration. The letter also confirms that, for the last few months of his tenure of the office (until October 2002), Mr Spellar paid rent at what the union regarded as a commercial level.

15. The House's Department of Finance and Administration has confirmed Mr Spellar's account of the payments made from his parliamentary allowances, since 1992 in respect of his secretary and since 1999 in respect of the office at Bromley.

Findings of Fact

16. Between June 1992 and 2002, Mr Spellar enjoyed the benefit of subsidised office accommodation at the Amicus-AEEU building in Bromley. He initially enjoyed this in his role as political officer of the union. After 1997, when he became a Minister, he continued to enjoy it at the discretion of the then union leadership, although from that point onward he paid a rent of £500 in the belief that this would cover the real cost to the union of providing him with the office. A commercial rent, as calculated by the union, would have been significantly higher. The difference between the actual and this commercial rent

exceeded the threshold for registration of a material benefit under category 4 of the Rules on the registration of interests approved by the House.

17. Between 1992 and 1997, Mr Spellar registered his role as political officer in the Register of Members' Interests. Mr Spellar argues that this obviated any need for a separate entry relating to the benefit of the office accommodation during that period. When he ceased to be the union's political officer on his appointment as a Minister in 1997, Mr Spellar did not make a separate entry in the Register indicating his continued enjoyment of the benefit of the office, because he thought that the rent he had begun to pay, although well below a market level, covered the real cost to the union of providing the accommodation and so he saw no net benefit to himself. When, nonetheless, this interpretation was challenged and the Electoral Commission ruled in 2003 that he should have registered the difference between the rent he was paying and the commercial rent as a political donation under PPERA, he drew this ruling to the attention of my office and in April 2003 made a relevant entry in the Register.

Conclusion

18. There is no doubt, on the information available, that Mr Spellar received from Amicus—AEEU the material benefit of subsidised office accommodation in Bromley between June 1992 and 2002. Nor is there any doubt—given the relevant provisions of the Code and Guide to which I have referred in paragraphs 3–5 of this memorandum—that the value of this benefit exceeded the threshold for registration under category 4 of the Rules approved by the House.

19. Mr Spellar argues that, prior to 1997 when he became a Minister, there was no need for him to make a separate entry in the Register of Members' Interests relating to this benefit as he enjoyed the benefit by virtue of the fact that he was employed as political officer of the EETPU and he had entered this employment in the Register. I accept this argument. The Committee has previously concluded that a Member who had registered his sponsorship by a union did not need to make a separate entry relating to his tenancy of a flat in property owned by the union.² There is therefore clear precedent for this view.

20. In 1997 Mr Spellar ceased to be the union's political officer on his appointment as a Minister, and the relevant entry in the Register ceased. He continued, however, to enjoy the benefit of the accommodation. Recognising that some cost would fall on the union in providing the office and its facilities, he offered to pay the union a modest annual rent to cover any incidental costs, although the union did not itself intend to charge him rent. This rent was set at £500. It was not intended to be a commercial rent for the premises. The arrangement was a unique one between Mr Spellar and the union leadership at the time. No other part of the union's office accommodation in Hayes Court, Bromley was let out in this way and Mr Bayliss, the present Assistant General Secretary of the union, has confirmed that whilst it could have been, it was not likely to have been.

² Twelfth Report, Session 1999–2000 (HC 504).

21. Mr Spellar paid the £500 annual rent out of his Parliamentary Office Costs Allowance. Since the office was occupied not only by himself but also by his part-time secretary—who was employed by him on Parliamentary, including constituency work—this rental payment fell within the guidelines relating to the use of that Allowance. The cost of the part-time Secretary was also met from the Allowance, and not by the union.

22. Mr Spellar says that he did not register the benefit of the office separately after 1997 because he believed the rent he paid covered the real cost to the union of providing the accommodation and so he saw no net benefit to himself. He also only used the office for a small part of each week, so the value of the accommodation to him was limited (letters at Appendices 4 and 5).

23. The fact remains that, whether Mr Spellar himself used the office much or little (a matter within his own choice), he enjoyed the benefit of office accommodation in Bromley for himself and his secretary at a rent significantly below what he would otherwise have had to pay on the open market. The Electoral Commission regarded the resulting subsidy from the union as a donation Mr Spellar should have registered under PPERA. I find that Mr Spellar should also have registered the benefit of the accommodation, from 1997, under Category 4 of the Register of Members' Interests.

24. It is to Mr Spellar's credit that once he became aware of the Electoral Commission's decision, he contacted my office to alert the Registrar of Members' Interests and to seek an appropriate entry in the Register. He has also cooperated with my inquiry and, in his letter of 21 January 2004 (Appendix 5), has apologised to the Committee if his understanding of the regulations was incorrect.

25. I uphold that part of Mr Birkett's complaint relating to Mr Spellar's failure to register the net benefit of the office accommodation in Hayes Court from June 1997 to April 2002. For the reasons I have given, I do not uphold the other aspects of the complaint.

10 February 2004

Sir Philip Mawer

Appendices to the Appendix

Appendix 1: Letter to the Commissioner from Mr Paul Birkett

Re: John Spellar MP—undeclared material benefit

I would like to draw your attention to the fact that John Spellar MP has or was in receipt of a material benefit from my union between 1992 and 2003 and did not declare it in the register of members' interests. I understand that he declared it in April of this year but only from 1997.

The benefit would be in the region of £50,000 and the fact that he did not declare it is of grave concern to myself and the members whom I represent in the West Midlands.

I urge you to investigate this and why he has only recently declared this. Can I also suggest that you consult with my General Secretary Derek Simpson to obtain the relevant evidence of the benefit in question.

9 September 2003

Appendix 2: Letter to the Commissioner from Mr Paul Birkett

Complaint against John Spellar MP

Having now held further discussions within the Branch on this subject, I am able to respond to your letters of 16th September and 15th October, and I can advise you that the basis of our complaint is as follows.

John Spellar MP was provided with office facilities at the Amicus (AEEU Section) Bromley HQ from 1992. Although he declared an interest in using this office in 1997, I understand that he paid only a peppercorn rent for the facility throughout the period from 1992 to 2002. It was a serviced office with a floor space of 12' x 12', and he was provided with a part time secretary and access to computer, telephone and postage facilities.

The value of this office was estimated by a commercial estate agent in Bromley as about £5,000 per year. Taken over ten years, this amounts to £50,000 in total. For supporting evidence, please refer to General Secretary Derek Simpson at the new Amicus HQ, 35 King Street, London WC2E 8JG.

17 October 2003

Appendix 3: Letter to Mr John Spellar from the Commissioner

Complaint by Mr Paul Birkett

You will recall that we corresponded in the spring of this year about the insertion of an entry into the Register of Members' Interests relating to the office accommodation provided you by Amicus AEEU. I enclose a copy of a letter relating to this entry from Mr Paul Birkett.

Mr Birkett complains about the late insertion of the entry and alleges that you received the benefit in question from 1992, not 1997 as stated in the Register. He further suggests that the value of the benefit amounted to some £50,000 over the period 1992–2003.

I should be grateful for your comments on the points in Mr Birkett's letter, in particular as regards:

1. his suggestion that the Register entry should have given the date of initiation of the benefit as 1992, rather than 1997;
2. his assertion that the value of the benefit amounted to some £50,000;
3. the reason(s) why you did not register the benefit before April of this year, and why you did so at that point.

If you would like to discuss this matter with me, please do not hesitate to telephone my office on the number above.

15 September 2003

Appendix 4: Letter to the Commissioner from Mr John Spellar

Thank you for your letter dated the 15th September regarding a complaint by Mr Paul Birkett.

On point 3. As you will recall I raised the question of registering my use of an office at the Union's Head Office following a decision of the Electoral Commission. They decided that, even though I only used the office for a small part of the week, I should register a donation equal to the difference between market rent and the amount I paid to the Union.

Accordingly I also regularised the position with yourself, even though I felt that this did not reflect the value to me, or the cost to the Union, who would not have rented the office to anyone else.

On point 1. Prior to 1997 I was acting as Political Officer for the AEEU and registered that interest.

On point 2. I am unable to comment on his assertion for which he provides no details.

6 October 2003

Appendix 5: Letter to the Commissioner from Mr John Spellar

Thank you for your letter dated the 23rd December.

If I can first address the question of the office. As you say the relevant issues relates to the period after the General Election of 1997 and the provision of the office. As Mr Bayliss acknowledges while 'in theory' office space could have been rented out that in fact "he would not have thought it would be practicable". The Union at that time did not regard it as of value and did not propose to charge any rent but I suggested I paid £500 from the Office Cost Allowance to cover any incidental costs so that there was no subsidy from the Union. I believed that this was appropriate use of public money. If my understanding of the regulations was incorrect I can only apologise to you and the Committee.

In 2003 the question of this accommodation was raised with the Electoral Commission who decided this should be recorded as a donation and subsequently I registered this with yourself.

You also write that Mr Bayliss has informed you that I "also had the services of a secretary who was employed by the Union on a part-time basis and the other part of whose time was paid for by" me. Mr Bayliss is relatively new to his position and a charitable explanation is that he is not aware of the details.

When I returned to Parliament in 1992 Mrs Colyer came back to work for me, part-time, paid by the Office Cost Allowance, which can be confirmed with the Fees Office. This arrangement continued until early 1999. By that time her children were much older and also the then secretary in the Union's Research Department moved to another job within the Union. Mrs Colyer then occupied, in addition to working for me, a job

working part-time as the secretary and also effectively office manager of the Research Department. At no time did the Union subsidise her income to my benefit, or even the benefit of the Fees Office.

21 January 2004

Appendix 6: Letter to the Commissioner from Mr Les Bayliss

Complaint against Mr John Spellar MP

Please accept my apologies for the delay in responding to your letter dated 15 October 2003.

I have now received reports from my colleagues in the Finance and Estates Departments and I will respond to the points detailed in your letter in the same order:

1. John Spellar commenced to receive the benefit of union accommodation in June 1992.
2. No specific agreement for the accommodation has been identified, although John Spellar was a close associate of the union and would therefore be expected to assist the union's political objectives as and when required.
3. The terms of the occupancy did not change from June 1992 until April 2002.
4. The accommodation consisted of office space i.e. separate office with usual office facilities, i.e. phone, photocopier, fax, secretary.
5. The annual rental value would normally be on the basis of annual licenses and therefore, rents would be annually reviewable. If the occupancy was on a three year revolving cycle we would assume that the estimated annual rental value would be;

1992 June to 1995 June

Rent per annum, £1,600.00 Total = £4,800.00

John Spellar paid £500.00 per annum for office space and use of equipment = Total £1,500.00

1995 June to June 1998

Rent per annum, £1,800.00

Total = £5,400.00

John Spellar paid £500.00 per annum for office space and use of equipment = Total £1,500.00

1998 June to June 2001

Rent per annum, £2,100.00

Total = £6,300.00

John Spellar paid £500.00 per annum for office space and use of equipment = Total £1,500.00

2001 June to June 2002

Rent per annum, £2,400.00

Total = £2,400.00

John Spellar paid £500.00 per annum for office space and the use of equipment = Total £1,500.00

2002 June to October 2002

Rent per annum £1,400.00,

Total = £1,400.00

John Spellar paid £1,400.00 for the office space and the use of equipment = Total £1,400.00

6. The union had elected a new General Secretary in October 2002.

I hope the above information is satisfactory, please do not hesitate to contact me if you need any clarification or other information.

6 November 2003

Appendix 7: Letter to the Commissioner from Mr Les Bayliss

Complaint against Mr John Spellar MP

Thank you for your letter dated 11 November 2003.

In reply to your queries, please find listed below my responses:

1. Yes, I would confirm that he was a political officer for the union. He was employed under the normal terms and conditions of the union.
2. Yes, the office was located at the Union's head office at Hayes Court.
3. My view would be that in theory, it could have been common practice in Hayes Court to rent out office space.
4. I have been advised by the Accountant that Mr Spellar's secretary was employed by the union on a part-time basis and the other part of her time was paid for by Mr Spellar. In so far as the union providing other facilities, we do not know the underlying basis for the original charges so it has not been possible to ascertain whether or not they were factored in,
5. I would confirm that we have been unable to find any related agreements. I would also reiterate that Mr Spellar would not have been able to maintain the office without the specific agreement of the then General Secretary, Sir Ken Jackson.

I hope I have answered your queries adequately, but please do not hesitate to contact me if you need any further information.

28 November 2003

Appendix 8: Letter to the Commissioner from Mr Les Bayliss

Complaint against Mr John Spellar MP

Thank you for your letter dated 4 December 2003.

In response to the questions in your letter regarding the practicality of renting out office space, I offer the following for further clarification:

3. I confirm that in theory it could have been common practice in Hayes Court to rent out office space.

I would not have thought it would be practicable but as far as I am aware John Spellar was the only person given the option.

I hope I have answered your queries adequately, but please do not hesitate to contact me if you need any further information.

16 December 2003

Formal minutes

Tuesday 10 February 2004

Members present:

Sir George Young, in the Chair

Ross Cranston

Mr Andrew Dismore

Mr Derek Foster

Mr Michael Jabez Foster

Mr Andrew Mackay

The Committee deliberated.

Draft Report [Conduct of Mr John Spellar], proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 6 read and agreed to.

Paragraph 7 read, amended and agreed to.

Paragraph 8 read and agreed to.

Resolved, That the Report, as amended, be the Third Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Ordered, That the Memorandum from the Parliamentary Commissioner for Standards be appended to the Report.

Ordered, That the Appendix to the Report be reported to the House.—(*The Chairman.*)

* * *

[Adjourned till Tuesday 2 March at 9.30 am.]

Reports from the Committee on Standards and Privileges in the current Parliament

Session 2003–04

First Report	Conduct of Mr George Galloway	HC 73
Second Report	Conduct of Ms Diane Abbott	HC 285
Third Report	Conduct of Mr John Spellar	HC 339

Session 2002–03

First Special Report	Standards of Conduct: Letters from the Committee on Standards in Public Life	HC 516
First Report	Complaint against Mr Nigel Griffiths	HC 195
Second Report	Eighth Report of the Committee on Standards in Public Life: "Standards of Conduct in the House of Commons"	HC 403
Third Report	Complaints against Mr Michael Trend	HC 435
Fourth Report	Complaints against Mr Henry McLeish	HC 946
Fifth Report	Complaints against Mr Clive Betts	HC 947
Sixth Report	Pay for Select Committee Chairmen	HC 1150
Seventh Report	Guidance for Chairmen and Members of Select Committees	HC 1292

Session 2001–02

First Report	Complaint against Mr Geoffrey Robinson: Supplementary Report	HC 297
Second Report	Complaint against Mr Roy Beggs	HC 319
Third Report	Complaint against Mr John Maxton	HC 320
Fourth Report	Restrictions on the Initiation of Parliamentary Proceedings: A Consultation Paper	HC 478
Fifth Report	Complaints against Mr Keith Vaz	HC 605–I&II
Sixth Report	Registration of Interests by Members who have not taken their seat	HC 624
Seventh Report	Complaints against Mr Nigel Griffiths	HC 625
Eighth Report	Complaints against Mr Archy Kirkwood	HC 755
Ninth Report	A new Code of Conduct and Guide to the Rules	HC 763
Tenth Report	Complaint against Mr Peter Brooke	HC 1147